

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**ROI DEVELOPERS, INC.,
d/b/a ACCRUVIA,**

Plaintiff,

v.

ATHENA BITCOIN, INC.,

Defendant.

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Civil Action No. 4:22-cv-00073-O

PLAINTIFF’S RULE 26 PRETRIAL DISCLOSURES

Pursuant to the February 23, 2022, Scheduling Order (Dkt. #6) (¶7) and FED. R. CIV. P. 26(a)(3)(A-B), Plaintiff ROI Developers, Inc., d/b/a Accrivia (“Accrivia”) provides the following Pretrial Disclosures:

Witnesses

Accrivia expects to call the following witnesses:

- Shaun Overton, 1917 Sage Trail, Hurst, Texas 76054.
- Kelly Stewart, K STEWART LAW, P.C., 5949 Sherry Lane, Suite 900, Dallas, Texas 75225, 972.308.6168 (attorneys’ fees only)

Accrivia may call the following witness if the need arises:

- Eric Gravengaard, c/o counsel for Defendant.

Exhibits

Accrivia expects to offer the following exhibits at trial:

Exhibit	Description	Prior Identification
P. Ex. 1	Accrivia Invoices IB1050, IB1052	Gravengaard Dep. Ex. 9/9B (Accrivia 11-12)
P. Ex. 2	Bill.com payment tracking records	Accrivia 4-7

Exhibit	Description	Prior Identification
P. Ex. 3	Accruvia Invoice IB1049	Accruvia 16
P. Ex. 4	Accruvia Invoice IB1049	Accruvia 13
P. Ex. 5	10.4.21 and 11.5.21 emails regarding payment	Athena 17-18, 25-26
P. Ex. 6	Payment emails	Accruvia 1-3
P. Ex. 7	Payment records	Accruvia 9-10
P. Ex. 8	11.5.21 payment email	Gravengaard Dep. Ex. 11 (Accruvia 8)
P. Ex. 9	Bank records	Gravengaard Dep. Ex. 14 (Athena 19-20)
P. Ex. 10	Excerpts from 2.10.22 Athena Bitcoin Global SEC Form S-1	Portions at Gravengaard Dep. Ex. 2 (full version at Accruvia 83-290)
P. Ex. 11	Attorneys' fees records	Accruvia 291-298
P. Ex. 12	7.29.22 Letter to Larry Fowler regarding attorneys' fees	
P. Ex. 13	10.4.21 Engagement Letter	Accruvia 299-307

Accruvia may offer the following exhibits at trial if the need arises:

Exhibit	Description	Prior Identification
P. Ex. 14	Defendant's Supplemental Response to Plaintiff's First Set of Personal Jurisdiction Discovery	
P. Ex. 15	Defendant's Responses to Plaintiff's First Set of Merits Discovery	
P. Ex. 16	Defendant's Initial Disclosures	
P. Ex. 17	Emails between Accruvia and Athena	Accruvia 23-33
P. Ex. 18	Emails between Accruvia and Athena	Accruvia 14-22
P. Ex. 19	Athena Bitcoin Inc. Texas Franchise Tax Public Information Reports	Gravengaard Dep. Ex. 4 (Athena 6, 7, 14, 9)
P. Ex. 20	7.15.16 Application for Registration of a Foreign For-Profit Corporation	Accruvia 56-57
P. Ex. 21	Texas Secretary of State printouts	Accruvia 62-65
P. Ex. 22	Athena website printout	Gravengaard Dep. Ex. 7 (Accruvia 79-82)
P. Ex. 23	Athena website printout	Accruvia 69-78)
P. Ex. 24	Translation and NDA	Exhibit A to Dkt. # 13 in Case No. 1:22-cv-001291, United States District Court for the Northern District of Illinois

Exhibit	Description	Prior Identification
P. Ex. 25	Athena Bitcoin Term Sheet	Gravengaard Dep. Ex. 3 (Athena 3-5)
P. Ex. 26	Chivo Wallet Diagram	Gravengaard Dep. Ex. 19 (Accruvia 34-41)
P. Ex. 27	Declaration of Panagiotis Angelopolous	Attached to Response to Motion for Summary Judgment
P. Ex. 28	Supplemental Declaration of Pangagiotis Angelopolous	Attached to Response to Motion for Summary Judgment

Deposition Testimony

Accruvia reserves the right to utilize the deposition testimony of Eric Gravengaard on behalf of Athena Bitcoin, Inc. (taken Aug. 17, 2022) if he is not available at trial and/or for cross-examination of Mr. Gravengaard. At this point Athena believes that Mr. Gravengaard will be at trial.

Dated this 7th day of December, 2022.

Respectfully submitted,

/s/ Kelly Stewart

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Texas Bar No. 19221600
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify on the 7th day of December, 2022, I served this document via email to counsel of record.

/s/ Kelly Stewart